

ASSEMBLY BILL NO. 56—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DEPARTMENT OF
PUBLIC SAFETY, DIRECTOR'S OFFICE)

PREFILED DECEMBER 20, 2012

Referred to Committee on Health and Human Services

SUMMARY—Increases the penalty for the first offense of
unlawfully selling a controlled substance to a minor.
(BDR 40-336)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~permitted material~~ is material to be omitted.

AN ACT relating to controlled substances; increasing the penalty
for the first offense of selling a controlled substance to a
minor; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

1 Existing law provides that for the first offense, a person who unlawfully sells a
2 controlled substance to another person, including another person who is a minor, is
3 guilty of: (1) a category B felony, punishable by imprisonment for a minimum term
4 of not less than 1 year and a maximum term of not more than 6 years, if the
5 controlled substance is classified in schedule I or II; or (2) a category C felony,
6 punishable by imprisonment for a minimum term of not less than 1 year and a
7 maximum term of not more than 5 years, if the controlled substance is classified in
8 schedule III, IV or V. (NRS 453.321) Existing law also provides an enhanced
9 penalty for a person who commits a second offense of unlawfully selling a
10 controlled substance to a minor. (NRS 453.334) This bill establishes a specific
11 penalty for the first offense of unlawfully selling a controlled substance to a minor,
12 and that specific penalty is greater than the general penalty set forth in existing law
13 for the first offense of unlawfully selling a controlled substance to another person.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 453.334 is hereby amended to read as follows:
2 453.334 *I.* Unless a greater penalty is provided in NRS
3 453.333, a person who is convicted of selling a controlled substance
4 to a minor in violation of this chapter ~~{is guilty}~~ :

5 *(a) For the first offense, is guilty of a category B felony and*
6 *shall be punished by imprisonment in the state prison for a*
7 *minimum term of not less than 2 years and a maximum term of*
8 *not more than 10 years, and may be further punished by a fine of*
9 *not more than \$20,000.*

10 *(b) For a second or subsequent offense, is guilty of a category*
11 *A felony and shall be punished {for a second or subsequent*
12 *violation} by imprisonment in the state prison:*

13 ~~{1-}~~ *(1) For life with the possibility of parole, with eligibility for*
14 *parole beginning when a minimum of 5 years has been served; or*

15 ~~{2-}~~ *(2) For a definite term of 15 years, with eligibility for*
16 *parole beginning when a minimum of 5 years has been served,*
17 *and may be further punished by a fine of not more than \$20,000.*

18 2. In addition to any other penalty, the court may order a
19 person who is 18 years of age or older who is convicted of selling a
20 controlled substance to a minor in violation of this chapter to pay
21 restitution for any reasonable costs incurred for the participation of
22 the minor in a program for the treatment of the abuse of controlled
23 substances. If the court orders the convicted person to make such
24 restitution, the court shall notify the parent, guardian or other person
25 legally responsible for the minor that such restitution has been
26 ordered.

